

see all

95  
1/2002

UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

TERRANCE MONTAGUE, : CIVIL NO. 1:CV-00-0895  
Plaintiff :  
v. : (Magistrate Judge Smyser)  
ROBERT W. MEYERS, :  
ROBERT S. BITNER, :  
DAVID J. WAKEFIELD, :  
TERRY L. WHITMAN, :  
JACK ALLAR, :  
LARRY LIDGETT, :  
LT. DECKER, :  
MAJOR YANCY and :  
JEFFREY A. RACKOVAN, :  
Defendants :  
  
FILED  
HARRISBURG, PA  
JAN 18 2002  
MARY E. D'ANDREA, CLERK  
PER gjs  
DEPUTY CLERK

**FILED  
HARRISBURG, PA**

JAN 18 2002

MARY E. D'ANDREA, CLERK  
ER *gbs* DEPUTY CLERK

**ORDER**

On January 4, 2002, the plaintiff filed a petition seeking issuance of writs of habeas corpus ad testificandum to secure the appearance of his proposed inmate witnesses at trial on February 4, 2002. The plaintiff listed seven inmate witnesses: Willie Boyd, Derrick Clay, Leon Hopkins, Eugene Simms, Elmer Burkins, Fareed Davis and Carl Frazier.

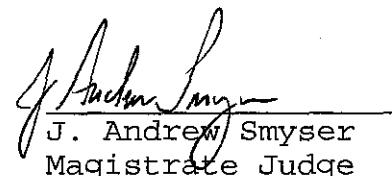
Writs will be issued for Clay, Hopkins, Simms and Davis

The defendants do not object to writs for Clay, Hopkins  
and Simms.

The defendants object to a writ for Davis on the ground that his testimony would not be relevant. Although the plaintiff did not identify Davis by name as a proposed witness at the pretrial conference, the plaintiff did identify Davis by cell number at the pretrial conference. It appears that Davis's testimony may be arguably relevant.

The plaintiff failed to identify Boyd, Burkins and Frazier at the pretrial conference as potential witnesses. Therefore, writs will not be issued for Boyd, Burkins and Frazier.

AND NOW, this 18<sup>th</sup> day of January, 2002, IT IS HEREBY ORDERED that the plaintiff's petition for writs of habeas corpus ad testificandum is GRANTED IN PART AND DENIED IN PART. Writs will be issued for inmates Derrick Clay, Leon Hopkins, Eugene Simms and Fareed Davis. Writs will not be issued for Willie Boyd, Elmer Burkins and Carl Frazier.



J. Andrew Smyser  
Magistrate Judge

Dated: January 18, 2002.

UNITED STATES DISTRICT COURT  
FOR THE  
MIDDLE DISTRICT OF PENNSYLVANIA

\* \* MAILING CERTIFICATE OF CLERK \* \*

January 18, 2002

Re: 1:00-cv-00895 Montague v. Meyers

True and correct copies of the attached were mailed by the clerk to the following:

Terrance Montague  
SCI-R  
SCI at Rockview  
BZ-2761  
P.O. Box A  
Bellefonte, PA 16823

Gregory R. Neuhauser, Esq.  
Office of Attorney General  
Strawberry Square  
15th Floor  
Harrisburg, Pa 17120

Maryanne M. Lewis, Esq.  
Office of the Attorney General  
15th Floor, Strawberry Square  
Harrisburg, PA 17120

|                         |                                     |   |
|-------------------------|-------------------------------------|---|
| CC:                     |                                     |   |
| Judge                   | <input checked="" type="checkbox"/> | ( ) Pro Se Law Clerk  |
| Magistrate Judge        | <input type="checkbox"/>            | ( ) INS   |
| U.S. Marshal            | <input type="checkbox"/>            | ( ) Jury Clerk  |
| Probation               | <input type="checkbox"/>            |   |
| U.S. Attorney           | <input type="checkbox"/>            |   |
| Atty. for Deft.         | <input type="checkbox"/>            |   |
| Defendant               | <input type="checkbox"/>            |   |
| Warden                  | <input type="checkbox"/>            |   |
| Bureau of Prisons       | <input type="checkbox"/>            |   |
| Ct Reporter             | <input type="checkbox"/>            |   |
| Ctroom Deputy           | <input type="checkbox"/>            |   |
| Orig-Security           | <input type="checkbox"/>            |   |
| Federal Public Defender | <input type="checkbox"/>            |   |
| Summons Issued          | <input type="checkbox"/>            | with N/C attached to complt. and served by:<br>U.S. Marshal ( ) Pltf's Attorney ( )   |
| Standard Order 93-5     | <input type="checkbox"/>            |   |
| Order to Show Cause     | <input type="checkbox"/>            | with Petition attached & mailed certified mail<br>to: US Atty Gen ( ) PA Atty Gen ( ) |

Bankruptcy Court                                  ( )  
Other \_\_\_\_\_ ( )

DA of County ( ) Respondents ( )

MARY E. D'ANDREA, Clerk

DATE: 1-18-02

BY:

672  
Deputy Clerk